



Attorney Docket No: STAN-144/01US

PATENT

DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

ASSESSING THE CONDITION OF A JOINT AND PREVENTING DAMAGE

the specification of which:

(check one)

☐ is attached hereto;

☒ was filed as United States Application Serial No. **09/882,363** on **June 15, 2001**.

☐ was filed as PCT International Application No. ____ on ____ and was amended under PCT Article 19 or Article 34 on ____ (if applicable);

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information which is known to me to be material to the patentability of said invention in accordance with 37 C.F.R. §1.56;

I hereby claim foreign priority benefits under 35 U.S.C. §119 and/or §365 of any foreign application(s) for patent, any foreign application(s) for inventor's certificate, or any PCT international application(s) designating at least one country other than the United States of America listed below; I have also identified below any foreign application(s) for patent, any foreign application(s) for inventor's certificate, or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

Prior Foreign Application(s)

COUNTRY/INTERNATIONAL	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below:

60/112,989
(Application Number)

December 16, 1998
(Filing Date) (day, month, year)

(Application Number)

(Filing Date) (day, month, year)

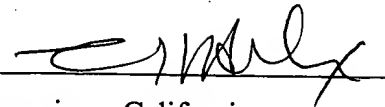
I hereby claim the benefit under 35 U.S.C. §120 and/or §365 of any United States application(s) or of any international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior application(s) in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. §1.56 which became available between the filing date(s) of the prior application(s) and the national or PCT international filing date of this application:

Prior U.S. Application(s) or PCT International Applications Designating the U.S. for benefit under 35 U.S.C. §120


U.S. APPLICATIONS			STATUS <i>(check one)</i>		
U.S. APPLICATION NO.	U.S. FILING DATE (day, month, year)		Pending	Patented	Abandoned
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PCT APPLICATIONS DESIGNATING THE U.S.					
PCT APPLICATION NO.	PCT FILING DATE (day, month, year)	U.S. APPLICATION NOS. (if any)			
PCT/US99/30265	December 16, 1999		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: Eugene J. ALEXANDER

Inventor's signature  Date 24 Oct 01
Residence: San Francisco, California
Citizen of: United States of America
Post Office Address: 1120 Rhode Island St, San Francisco, California 94107

Full name of second inventor: Thomas P. ANDRIACCHI

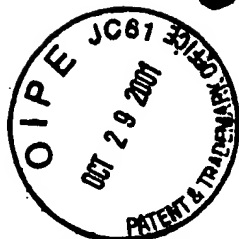
Inventor's signature  Date 10/24/01
Residence: Los Altos Hills, California
Citizen of: United States of America
Post Office Address: 12167 Altamont Court, Los Altos Hills, California 94022

Full name of third inventor: Philipp LANG

Inventor's signature _____ Date _____
Residence: San Francisco, California
Citizen of: United States of America
Post Office Address: 225 Lincoln Way, Apt. 206, San Francisco, California 94122

Full name of first inventor: Sandy A. NAPEL

Inventor's signature _____ Date _____
Residence: Menlo Park, California 94025
Citizen of: United States of America
Post Office Address: 445 Blake Street, Menlo Park, California 94025



Attorney Docket No: STAN-144/01US

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the specification of which:

(check one)

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Application Serial No.: 09/882,363

Page 2

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Prior U.S. Application(s) or PCT International Applications Designating the U.S. for benefit under 35 U.S.C. §120

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U.S. APPLICATION NO.	U.S. FILING DATE (day, month, year)		Pending	Patented	Abandoned
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Attorney Docket No.: STAN-144/01US
Application Serial No.: 09/882,363
Page 3

Full name of first inventor: Eugene J. ALEXANDER

Inventor's signature _____ Date _____

Residence: Palo Alto, California

Citizen of: United States of America

Post Office Address: 573 Lytton, Apt. D, Palo Alto, California 94301

Full name of second inventor: Thomas P. ANDRIACCHI

Inventor's signature _____ Date _____

Residence: Los Altos Hills, California

Citizen of: United States of America

Post Office Address: 12167 Altamont Court, Los Altos Hills, California 94022

Full name of third inventor: Philipp LANG

Inventor's signature  _____ Date 10/26/01

Residence: San Francisco, California

Citizen of: United States of America

Post Office Address: 225 Lincoln Way, Apt. 206, San Francisco, California 94122

Full name of first inventor: Sandy A. NAPEL

Inventor's signature _____ Date _____

Residence: Menlo Park, California 94025

Citizen of: United States of America

Post Office Address: 445 Blake Street, Menlo Park, California 94025

Attorney Docket No: STAN-144/01US

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Page 3

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Inventor's signature _____ Date _____

Residence: Palo Alto, California

Citizen of: United States of America

Post Office Address: 573 Lytton, Apt. D, Palo Alto, California 94301

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Inventor's signature _____ Date _____

Residence: Los Altos Hills, California

Citizen of: United States of America

Post Office Address: 12167 Altamont Court, Los Altos Hills, California 94022

Full name of third inventor: Philipp LANG

Inventor's signature _____ Date _____

Residence: San Francisco, California

Citizen of: United States of America

Post Office Address: 225 Lincoln Way, Apt. 206, San Francisco, California 94122

Full name of first inventor: Sandy A. NAPELInventor's signature  Date 26 OCT 2001

Residence: Menlo Park, California 94025

Citizen of: United States of America

Post Office Address: 445 Blake Street, Menlo Park, California 94025

Attorney Docket No: STAN-144/01US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Eugene J. ALEXANDER, et. al.

Serial No.: 09/882,363 Examiner: Not assigned

Conf. No.: 6739 Art Unit: 1623

Filed: June 15, 2001

For: **ASSESSING THE CONDITION OF A JOINT AND PREVENTING DAMAGE**

Commissioner for Patents
Washington, D.C. 20231

POWER BY ASSIGNEE AND STATEMENT UNDER 37 C.F.R. §3.73(b)

The Assignee of the entire right, title, and interest in the above-identified application hereby grants the registered practitioners of Cooley Godward LLP included in the Customer Number provided below power to act, prosecute, and transact all business in the U.S. Patent and Trademark Office in connection with this application, any applications claiming priority to this application, and any patents issuing therefrom.

The Assignee certifies that to the best of its knowledge and belief it is the owner of the entire right, title, and interest in and to the above-identified application as evidenced by:

☒ An assignment document, a copy of which is enclosed herewith;

Please direct all telephone calls and correspondence to:

COOLEY GODWARD LLP
ATTN: Patent Group
Five Palo Alto Square
3000 El Camino Real
Palo Alto, CA 94306-2155
Tel: (650) 843-5000
Fax: (650) 857-0663

CUSTOMER NUMBER: **23419**

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the Assignee.

Date: October 13, 2001

Signature: *Katharine Ku*

Name: KATHARINE KU

Title: DIRECTOR, TECHNOLOGY

Company: **Board of Trustees of the Leland
Stanford Junior University**

LICENSING

Attorney Docket No: STAN-144/01US

PATENT

ASSIGNMENT
(Joint)

COPY

Eugene J. ALEXANDER, residing at 1120 Rhode Island St. San Francisco, California 94107; **Thomas P. ANDRIACCHI**, residing at 12167 Altamont Court, Los Altos Hills, California 94022; **Philipp LANG**, residing at 225 Lincoln Way, Apt. 206, San Francisco, California 94122; **Sandy A. NAPEL**, residing at 445 Blake Street, Menlo Park, California 94025 (hereinafter referred to individually and collectively as "Inventor") have made an invention relating to certain new and useful improvements in:

ASSESSING THE CONDITION OF A JOINT AND PREVENTING DAMAGE

set forth in an application for Letters Patent of the United States, which is a

☒ non-provisional application

- (a) ☐ having an oath or declaration executed on prior to filing of application; or
- (b) ☒ bearing Application No. 09/882,363, and filed on **June 15, 2001**.

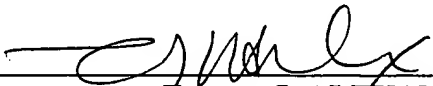
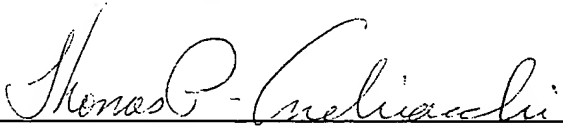
Whereas, Board of Trustees of the Leland Stanford Junior University (hereinafter "Assignee"), and having a principal place of business at Office of Technology Licensing, 900 Welch Road, Suite 350, Stanford, CA 94304, is desirous of acquiring the entire right, title, and interest in and to said invention, said Application, and the Letters Patent to be obtained therefor:

Now, therefore, for and in consideration of One Dollar and other good and valuable considerations, to Inventor in hand paid, the receipt and sufficiency whereof are hereby acknowledged, Inventor has sold, assigned, and set over and by these presents does hereby sell, assign, and set over unto Assignee and Assignee's legal representatives, successors and assigns, the entire right, title, and interest in and to said invention, said Application and any other application, domestic or foreign, that claims said invention, as well as any Letters Patent, domestic or foreign, that may or shall issue thereon; and Inventor does hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent to the above-mentioned Assignee agreeably with the terms of this Assignment.

The terms "Application" and "Application for Letters Patent" as used herein include both provisional and non-provisional applications.

Inventor hereby authorizes the above-mentioned Assignee or its legal representative to insert in this instrument the filing date and serial number of said Application or any other information that may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

Upon said consideration, Inventor conveys to Assignee the right to make application in its own behalf for protection of said invention in countries foreign to the United States and where expedient to claim under the International Convention or other international arrangement for any such application the date of the United States application (or other application if any there be) in priority to other applications; and **Inventor does hereby covenant** and agree with Assignee that Inventor will not execute any writing or do any act whatsoever conflicting with these presents, and that Inventor will at any time upon request, without further or additional consideration, but at the expense of Assignee, execute such additional assignments and other writings and do such additional acts as Assignee may deem necessary or desirable to perfect Assignee's enjoyment of this grant, and render all necessary assistance in making application for and obtaining original, divisional, continuation, continuation-in-part, renewal, reexamined, reissued or extended Letters Patent of the United States or of any and all foreign countries on said invention, and in enforcing any rights or chose in action accruing as a result of such applications or patents, by giving testimony in any proceedings or transactions involving such applications or patents, and by executing preliminary statements and other affidavits, it being understood that the foregoing covenant and agreement shall bind and inure to the benefit of the assigns and legal representatives of both parties.

Dated: 24 Oct 01
Eugene J. ALEXANDERDated: 10/24/01
Thomas P. ANDRIACCHI

Dated: _____

Phillipp LANG

Dated: _____

Sandy A. NAPEL

Rev. 03/28/2001

Attorney Docket No: STAN-144/01US

PATENT

ASSIGNMENT
(Joint)

COPY

Eugene J. ALEXANDER, residing at 573 Lytton, Apt. D, Palo Alto, California 94301;
Thomas P. ANDRIACCHI, residing at 12167 Altamont Court, Los Altos Hills, California 94022;
Philipp LANG, residing at 225 Lincoln Way, Apt. 206, San Francisco, California 94122;
Sandy A. NAPEL, residing at 445 Blake Street, Menlo Park, California 94025 (hereinafter referred to individually and collectively as "Inventor") have made an invention relating to certain new and useful improvements in:

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Whereas, Board of Trustees of the Leland Stanford Junior University (hereinafter "Assignee"), and having a principal place of business at Office of Technology Licensing, 900 Welch Road, Suite 350, Stanford, CA 94304, is desirous of acquiring the entire right, title, and interest in and to said invention, said Application, and the Letters Patent to be obtained therefor:

Now, therefore, for and in consideration of One Dollar and other good and valuable considerations, to Inventor in hand paid, the receipt and sufficiency whereof are hereby acknowledged, Inventor has sold, assigned, and set over and by these presents does hereby sell, assign, and set over unto Assignee and Assignee's legal representatives, successors and assigns, the entire right, title, and interest in and to said invention, said Application and any other application, domestic or foreign, that claims said invention, as well as any Letters Patent, domestic or foreign, that may or shall issue thereon; and Inventor does hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent to the above-mentioned Assignee agreeably with the terms of this Assignment.

The terms "Application" and "Application for Letters Patent" as used herein include both provisional and non-provisional applications.

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102501/2203

Rev. 03/24/2001

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Application Serial No.: 09/882,363

Page 2

Inventor hereby authorizes the above-mentioned Assignee or its legal representative to insert in this instrument the filing date and serial number of said Application or any other information that may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

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Dated: _____

Eugene J. ALEXANDER

Dated: _____

Thomas P. ANDRIACCHI

Dated: 10/26/01

Philip LANG

Dated: _____

Sandy A. NAPEL

Rev. 03/28/2001

Attorney Docket No: STAN-144/01US

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(Joint)

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Thomas P. ANDRIACCHI, residing at 12167 Altamont Court, Los Altos Hills, California 94022;
Phillipp LANG, residing at 225 Lincoln Way, Apt. 206, San Francisco, California 94122;
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Now, therefore, for and in consideration of One Dollar and other good and valuable considerations, to Inventor in hand paid, the receipt and sufficiency whereof are hereby acknowledged, Inventor has sold, assigned, and set over and by these presents does hereby sell, assign, and set over unto Assignee and Assignee's legal representatives, successors and assigns, the entire right, title, and interest in and to said invention, said Application and any other application, domestic or foreign, that claims said invention, as well as any Letters Patent, domestic or foreign, that may or shall issue thereon; and Inventor does hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent to the above-mentioned Assignee agreeably with the terms of this Assignment.

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PATENT

Applicant or Patentee: Eugene J. ALEXANDER, et. al.

Serial No.: 09/882,363

Filed: June 15, 2001

For: **ASSESSING THE CONDITION OF A JOINT AND PREVENTING DAMAGE**

**ASSERTION OF ENTITLEMENT TO SMALL ENTITY STATUS UNDER
37 C.F.R. §1.27 – NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

Name of organization: **Board of Trustees of the Leland Stanford Junior University**

Address of organization: **Office of Technology Licensing, 900 Welch Road, Suite 350
Stanford, California 94304**

Type of organization:

- ☒ University or other institution of higher education
- ☐ Tax exempt under Internal Revenue Service Code [26 U.S.C. §§501(a) and 501(c)(3)]
- ☐ Nonprofit scientific or educational under statute of a state or the United States of America
 - (Name of state:)
 - (Citation of statute:)
- ☐ Would qualify as tax exempt under Internal Revenue Service Code [26 U.S.C. §§501(a) and 501(c)(3)] if located in the United States of America
- ☐ Would qualify as nonprofit scientific organization under statute of state of the United States of America if located in the United States of America
 - (Name of state:)
 - (Citation of statute:)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 C.F.R. §27(a)(3) for purposes of paying reduced fees under 35 U.S.C. §§41(a) or (b) with regard to the invention identified above and described in:

- ☐ the specification filed herewith;
- ☒ the application identified above; or
- ☐ the patent identified above;

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention;

If the rights held by the nonprofit organization are not exclusive, each individual concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 C.F.R. §1.27(a)(1) or by any concern which would not qualify as a small business concern under 37 C.F.R. §1.27(a)(2) and 13 C.F.R. §121 or a nonprofit organization under 37 C.F.R. §1.27(a)(3);

*NOTE: Please obtain separate Assertions of Entitlement to Small Entity Status from each named person, concern or organization having rights to the invention averring to their status as small entities

Name: **OsteoNet.com, Inc.**
Address: **191 Jefferson Drive**
Menlo Park, California 94025

☐ Individual ☒ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. §1.27(g))

Signature

Katherine Ku

Date

October 13, 2001

Name of Person Signing

KATHARINE KU

Title of person other than owner

*DIRECTOR, TECHNOLOGY
LICENSING*

Address of person signing

*900 Welch Road, Ste 350,
Palo Alto, CA 94304*

Attorney Docket No. STAN-144/01US

PATENT

Applicant or Patentee: Eugene J. ALEXANDER, et. al.

Serial No.: 09/882,363

Filed: June 15, 2001

For: **ASSESSING THE CONDITION OF A JOINT AND PREVENTING DAMAGE**

**ASSERTION OF ENTITLEMENT TO SMALL ENTITY STATUS UNDER
37 C.F.R. §1.27 - SMALL BUSINESS CONCERN**

I hereby declare that I am:

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of
the concern identified below:

Name of Small Business Concern: **OsteoNet.com, Inc.**
Address of Small Business Concern: **191 Jefferson Drive**
Menlo Park, California 94025

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 C.F.R. §121 for purposes of paying reduced fees under 35 U.S.C. §§41(a) and (b), in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both;

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled "**Assessing the Condition of a Joint and Preventing Damage**" and described in:

- ☐ the specification filed herewith;
☒ the application identified above; or
☐ the patent identified above;

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 C.F.R. §1.27(a)(1) or by any concern which would not qualify as a small business concern under 37 C.F.R. §1.27(a)(2) and 13 C.F.R. §121 or a nonprofit organization under 37 C.F.R. §1.27(a)(3):

Rev. 03/28/2001

Attorney Docket No.: STAN-144/01US
Application Serial No.: 09/882,363
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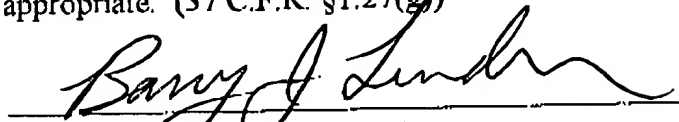
*NOTE: Please obtain separate Assertions of Entitlement to Small Entity Status from each named person, concern or organization having rights to the invention averring to their status as small entities.

Name: **Board of Trustees of the Leland Stanford Junior University**
Address: **Office of Technology Licensing, 900 Welch Road, Suite 350**
Stanford, California 94304

☐ Individual ☐ Small Business Concern ☒ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. §1.27(g))

Signature



Date

10-26-01

Name of Person Signing

Barry J Linder

Title of person other than owner

President + COO

Address of person signing

191 Jefferson DrMenlo Park, CA 94025